

**AMENDMENT UNDER 37 C.F.R. 1.111  
USAN 10/787,142**

**REMARKS**

Claim 59 has been added directed to one of the embodiments of claim 24. That is, claim 24 recites "at least one inside layer", which is equivalent to reciting "one or more inside layers", and claim 59 is directed to the embodiment of claim 24 which has one inside layer. Claim 60 has been added corresponding to claim 24 except for the preamble and the recitation of a child in need of motivation, based on recitations from the body of claim 24.

Entry of the above amendment is respectfully requested.

On page 2 of the Office Action, claims 24, 26, and 29-42 are rejected under 35 U.S.C. 103 as being unpatentable over Sonnenberg et al.

With respect to the arguments filed May 7, 2010, the Examiner indicates on page 3 of the Office Action that they are not persuasive.

First, the Examiner contends that Applicants' claims do not state that the inside layer is not visible.

In response, Applicants submit that claims 24 and 60 require that the outside layer surrounds the at least one inside layer and that the layers are opaque, so the at least one inside layer cannot be seen through the surrounding opaque outside layer. Similarly, claim 59 requires that the outside layer surrounds the inside layer and that the layers are opaque, so the inside layer cannot be seen through the surrounding opaque outside layer.

Thus, Applicants submit that the at least one inside layer of claims 24 and 60 (and the inside layer of claim 59) cannot be seen from the outside. In contrast, Sonnenberg discloses that the individual phases of its soaps are highly visible (see the Abstract and

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the Field of the Invention in Sonnenberg), and thus neither teaches nor suggests Applicants' invention.

Indeed, Applicants submit that Sonnenberg does not even teach or suggest outside and inside layers, which are required layers in the present invention. Rather, Sonnenberg discloses that its invention relates to multiphase soaps "in which the individual phases are highly visible when viewed from above and from the side" (see the Abstract and the Field of the Invention). For the individual phases to be highly visible when viewed from above and from the side, no individual phase can be an inside layer in Sonnenberg. Thus, Sonnenberg does not teach or suggest the inside layer structural feature of the soap used in the present invention.

Second, the Examiner indicates on page 3 of the Office Action that the numerous arrangements disclosed in Sonneberg's figures indicate that the selection of layer arrangements and colors including those recited in the present claims would have required no more than ordinary creativity by one of ordinary skill in the art to provide a functional cleansing bar having the desired appearance. Applicants respectfully disagree as follows.

While Sonnenberg's figures disclose numerous arrangements, all of Sonnenberg's figures directed to various embodiments of Sonnenberg's invention show the individual phases to be highly visible; no figure shows an outside layer and at least one inside layer (or an outside layer and one inside layer) as presently claimed. The reason for this is because Sonnenberg's invention relates to multiphase soaps "in which the individual phases are highly visible when viewed from above and from the side". Thus, if a skilled artisan considering Sonnenberg were to make a soap other than one specifically

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illustrated in Sonnenberg's figures, the artisan would still have made a soap in which the individual phases are highly visible, and thus one would not have arrived at an outside layer and at least one inside layer as presently claimed. While the Examiner has cited the *KSR* case in support of his position, Applicants note that *KSR* still requires that the Examiner provide some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness (see MPEP 2143.01 IV., citing *KSR*). Applicants submit that the Examiner has not met this requirement.

Further, in regard to the Examiner's indication in the discussion bridging pages 3-4 of the Office Action that "Sonnenberg teaches that layers are opaque (col. 26, lines 31-33)" and "the layers in each of those bars would disappear (first outer and then inner) ...", Applicants respectfully disagree as follows.

First, the disclosure at col. 26, lines 31-33 in Sonnenberg does not teach that "layers" are opaque; rather, it teaches that the "composition" can be opaque.

Second, Sonnenberg does not teach or suggest that the layers in a bar would disappear (first outer and then inner), because Sonnenberg does not teach that its bar has layers, including an inside layer as recited for the present invention as discussed above.

Applicants note that the above arguments were basically presented in the last response, but the Examiner did not respond to them. Rather, the Examiner simply repeated arguments made in the previous Office Action. Accordingly, Applicants respectfully request that the Examiner consider the above arguments and respond accordingly.

Further, with respect to claim 60 in particular, Applicants submit that Sonnenberg does not teach or suggest a method for motivating a child to wash or bathe with a

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cleansing bar in order to see the cleansing bar change color, and thus does not teach or suggest the invention of claim 60, particularly in view of the reasoning in the *Jansen* case cited in MPEP 2111.02 II.

For at least the above reasons, Applicants submit that the present invention is not obvious over Sonnenberg, and withdrawal of this rejection is respectfully requested.

**Conclusion**

For at least the above reasons, Applicants submit that the present invention is now in condition for allowance.

If the Examiner wishes to discuss this application with the undersigned, he is requested to contact the undersigned at the local telephone number listed below.

In view of the above, allowance of this application is respectfully requested.

Respectfully submitted,



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